

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 22 and 24 were rejected under 35 USC 112, first paragraph, as allegedly failing to comply with the enablement requirement. Claims 22 and 24 have been amended above so as to clarify the meaning and scope thereof, and so as to be consistent with the original disclosure. The Examiner's understanding of these claims was correct. Therefore, no new issues are raised by this amendment. Reconsideration and withdrawal of the rejection is solicited.

Claim 14 has been amended above to shift part of previously presented paragraph c) to appear before previously presented paragraph b), to provide clear antecedent basis for "said side shift frame" as recited in previously presented paragraph b). No limitations have been added to claim 14 and claim 14 has not been amended in response to any prior art rejections made by the Examiner. Therefore, no new issues are raised by this amendment. Entry of the amendment is submitted to be in order.

Claims 14-17 were rejected under 35 USC 102(b) as being anticipated by Abels et al. Applicant respectfully traverses this rejection.

At the outset it is noted that the Examiner has initially referenced claim 1 but claim 1 was canceled with the March 1, 2005 response so it is believed that the reference to claim 1 may be disregarded. With regard to claim 14, the Examiner has characterized Abels as disclosing an upper member that comprises a planar front portion that protects the side shift operator means by preventing goods from touching the front face of the support member. Applicant respectfully submits, however, that claim 14 specifically requires that the planar front portion be positioned between the side shift operator means and the forks, to protect the side shift operator means. In the illustrated example embodiment of the invention this feature is shown as portion 32

in Figures 7 and 8 (and shown but not labeled in Figure 4), and described in paragraph [0039], which explains that upper cross member 22 includes a portion 32 that overhangs the frame support member 4 in order to protect the moving parts (such as the pistons 14a, 14b) from being damaged by load or the forks.

As can be seen from Figure 12 of Abels (which has the reference numbers used by the Examiner), the "upper cross member" does not have any planar front portion positioned between a side shift operator means and the forks to protect the side shift operator means. In other words, there is nothing in front of front face 104a to protect it. In regard to claim 15, contrary to the Examiner's characterization, the Figure 12 embodiment of Abels does not have convex and concave surfaces as claimed slidably engaged with each other. Rather, Abels provides bearings 110,113.

Claims 21-24 and 3-73 [sic: 3-13] were rejected under 35 USC 103(a) as being unpatentable over Bostad et al. in view of Bolzoni. Even if Bostad and Bolzoni could be combined, the range of motion of the fork shoes of the resulting combination would be limited on the one hand by the center beam 26 of the Bolzoni fork positioner and on the other hand by the intermediate supports 31 of Bostad. Consequently, even if the Bolzoni fork positioner were provided in the device taught by Bostad, the claimed invention would still not be anticipated or obvious. In this regard, independent claims 21 and 23 each specifically require that the fork positioner move the first fork shoe to and between a center of the side shift frame and one of the side members which as also claimed connect the (longitudinal) ends of the upper cross member to corresponding (longitudinal) ends of the lower cross member. If the Bolzoni fork positioner were provided in Bostad, the fork positioner assembly would evidently extend between intermediate supports 31. Thus, each fork shoe could not be moved to the center, because of the presence of center beam 26, and could not be moved to a respective side member because the positioner would extend only between supports 31. Because the fork positioner cannot move either fork shoe to and between the center of the side shift frame and the respective side members of the carriage, it is

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respectfully submitted that the combination of Bostad and Bolzoni does not anticipate claims 21 and 23, nor render obvious the structures recited therein.

The dependent claims are submitted to be patentable at least by virtue of the above-noted characteristics of the independent claims from which they depend.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

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